

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

SHIELA LILLY-DAVIS, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	No. 3:12-cv-0224
v.)	
)	Judge Sharp
HARUN RASHID,)	Magistrate Judge Brown
)	
Defendant.)	

ORDER

Pending before the Court is a Report and Recommendation (“R & R”) of the Magistrate Judge, concluding,

The earlier Report and Recommendation (Docket Entry 88) recommended that the case be dismissed with prejudice for failure to prosecute and for failure to obey Court orders. The Magistrate Judge noted specifically that the plaintiff’s interrogatory answers were clearly insufficient and that they had totally failed to correct the matter despite repeated Court orders to do so. The Magistrate Judge specifically recommended that in addition to dismissal that the defendant Rashid’s counsel be allowed 30 days within which to file a motion for attorney’s fees and expenses.

The Magistrate Judge has reviewed the claim for attorney’s fees and believes that the requested hourly rate for Mr. Gordon of \$325 per hour, and the rate for his paralegal of \$100 per hour, is reasonable, particularly since the plaintiffs have filed no response in opposition.

However, the Magistrate Judge believes that it is necessary to reduce the claim by the sum of \$1,490. . . Up to this point, the Magistrate Judge believes that the discovery difficulties were fairly routine, and while unfortunate, not so excessive as to award sanctions. However, following the failure of the plaintiffs to rectify the deficiencies in the discovery requests by March 26, 2013, they crossed the line to unreasonableness and caused the defendant Rashid unnecessary attorney’s fees and difficulties without justification.

The Magistrate Judge has therefore reduced the claim by \$1,490, which is the amount claimed prior to March 26, 2013.


(Docket Entry No. 108). No response in opposition was filed to the R & R. Having thoroughly reviewed the record in this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R of the Magistrate Judge.

Accordingly, the Court hereby rules as follows:

(1) The Report and Recommendation (Docket Entry No. 108) is hereby ACCEPTED and APPROVED; and

(2) *Defendant's Motion for Attorney's Fees and Expenses* is hereby GRANTED to the extent Defendant's counsel is awarded attorney's fees and expenses in the amount of \$2,980.00.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE